IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

MFA.No. 795 of 2002(A)

MVOP.187/1997 of MACT, IRINJALAKUDA
.....

APPELLANT: PETITIONER IN MVOP

BABU JOSE N.J., S/O.JOSE N.P.
NELLISSERY HOUSE, EDAYATTUR,
MELADOOR (P.O.) ALATHUR VILLAGE,
MUKUNDAPURAM TALUK REPRESENTED BY
HIS POWER OF ATTORNEY HOLDER
JOSE N.P., AGED 62.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: RESPONDENTS IN MV O.P
---

1. K.O.GEORGE, KUDIYARRIKKAL HOUSE,
PUTHENVELLIKKARA (P.O.)., PARAVOOR, ERNAKULAM.

2. MRS.KOCHURANI, W/O.JOHNSON,
THARAYIL HOUSE, P.O.NORTH KUTHIATHODE,
ERNAKULAM DISTRICT.

3. THE MANAGER, NEW INDIA INSURANCE
COMPANY LIMITED, ALWAYE BRANCH.

BY ADV. SRI.M.RAJAGOPALAN
SRI.RAJIT

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

- -

M.F.A.No.795 OF 2002

- -

Dated this the 20th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal is preferred by the claimant in O.P.(MV) No.187/1997 which was disposed of by the Motor Accidents Claims Tribunal, Irinjalakuda along with O.P.(MV)No.186/97. Claimant in O.P.(MV)187/97 has stated that while he was travelling as a pillion rider in a motor cycle bearing No.KL-7 E 8083 driven by the 1st respondent, the motor cycle hit on a pedestrian and as a result of the hit the petitioner was thrown away from the bike into the road and sustained serious injuries. Petitioner claimed Rs.1,25,000/- as compensation but the Tribunal has noticed that the claimant is entitled to Rs.20,000/- but was not granted since accident occurred due to the negligence of the petitioner himself. In para 13 of the order the Tribunal has discussed the reasons for the accident. On facts, we find no reason to take a different view.

Considering the entire facts and circumstances of the case, we are of the view that the learned Tribunal has rightly dismissed the original petition. Hence, the appeal lacks merit and it is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

jes